IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 17700 of 1999

Between:

C. Sambasiva Naidu, S/o Srinivasulu Naidu,
R/o Ramakrishnapuram Village, Thavanampalle Mandal,
Chittoor District.

..... PETITIONER

AND

1 The Mandal Revenue Officer,
Thavanampalle Mandal, Chittoor District
2 The Deputy Director, Ground Water Department
Chittoor

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondent in seizing the electric motor attached to the bore well and stopping functioning of the bore well in survey No.157 belonging to the petitioner as illegal, improper, unjust and contrary to Law and violative of Article-14, 300-A and 21 of the Constitution of India and pass.

Counsel for the Petitioner: MR.P.GANGAIAH NAIDU

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

-

-

-

-

ORDER:

-

Seeking Writ of Mandamus declaring the action of the 1st respondent in seizing the electric motor attached to the bore well and stopping functioning of the bore well in survey No.157 belonging to the petitioner as illegal and improper, the writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the 1st respondent.

As seen from the averments of the affidavit filed in support of the petition it came to light that the petitioner dug a bore well in his land without obtaining any permission from the concerned. The contention of the respondents is that the petitioner dug bore well and drawing underground water illegally without obtaining any permission as contemplated under Section 8 of A.P. Water, Land and Trees Act, 2002.

Admittedly, the petitioner dug bore well without obtaining permission under Section 8 of A.P. Water, Land and Trees Act, 2002. The petitioner cannot seek direction to the respondents to allow him to draw water from the bore well, unless he obtains permission from the concerned. However, the petitioner may approach the concerned and make a representation, seeking permission to draw water from the bore well, and it is for the authorities concerned to consider the same and pass necessary orders thereon.

With the above observations, the Writ Petition is disposed of. No order as to costs.

Dated: 10.06.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Mandal Revenue Officer,

Thavanampalle Mandalam,

Chittoor District

2. The Deputy Director,

Ground Water Department, Chittoor

3. Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad(OUT)

4. Two CD copies

*Form-NIC-OGS/WP{**GSNM**}*